

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SAUNDRA G. ELION,

Plaintiff,

v.

**ALPHONSO R. JACKSON,
Secretary Of Housing And
Urban Development,**

Defendant.

Civ. Action No. 05-0992 (PLF)

**REPLY MEMORANDUM IN SUPPORT OF
PLAINTIFF'S FIRST MOTION IN LIMINE
(ADR Involving Austin Groom And Groom's Reinstatement)**

The unassailable truth is that defendant successfully blocked plaintiff's attempt to discover the basis for Mr. Groom's reinstatement (Groom Dep. at 11-16, 26-28, 46-47 & Dep. Exh. 1¹). Defendant secured an Order from Magistrate Judge Kay which upheld its claim that the ADR process and agreement were confidential (Att 5). Then, it instructed Mr. Groom not to answer questions during his deposition about whether the ADR agreement resulted in his reinstatement (Att. 5; Groom Dep. at 47).

Now, recognizing that Mr. Groom's reinstatement may be to its advantage, defendant objects to being denied the opportunity to "cross-examine Mr. Groom on the result of his EEO complaint" (Def. Opp. at 2). This, of course, is the primary subject that defendant prevented plaintiff from inquiring about. The short of this matter is that both parties are now precluded from offering evidence about Mr. Groom's reinstatement;

¹ Attachments 1 through 5 and Mr. Groom's deposition accompanied Plaintiff's opening Memorandum.

plaintiff, because she was deprived of the information; and defendant, because it is estopped from introducing evidence that it withheld during discovery.

Respectfully submitted,

/s/
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